

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2778 OF 1987

T.T. Krishnamachari & Co. : Plaintiff

V/s.

Messrs Allwin Traders & Anr. : Defendants

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Mr.Lukyraj I. i/b. S. Satpute & Co., for the plaintiff.

Ms Rama Sharma i/b. K.S.Jain for the defendants.

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CORAM : S.A.BOBDE, J.

DATE : FEBRUARY 9, 2007.

P.C.

1. The writ of summons was served on 26.10.1987. However, no Written Statement is filed till date.

2. The suit is for recovery of a sum of Rs.1,97,869.17 with interest on account of unpaid price of goods. Invoices are annexed to the plaint. The learned counsel for the defendants appears and seeks time on the ground that the defendants intend to file Written Statement. The request does not appear to be justified. Hence, I consider it appropriate in the interest of justice to proceed under Order VIII Rule 10 of the C.P.C. which was substituted by the Code of Civil Procedure (Amendment)

Act, 2002 with effect from 1.7.2002.

3. Accordingly, there shall be a decree in the sum of Rs.1,97,869.17 with future interest at the rate of 12% per annum from the date of filing of the suit till payment.

4. Decree be drawn up accordingly.

S.A. BOBDE, J.